

Best Practice

Residential Septic Utilities

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THE PRACTICE

The R.M. of Corman Park No. 344, working with the Saskatoon District Health Region and representatives from the onsite wastewater treatment industry, in response to public concern, has implemented policy, development standards, standard development agreements, and a guide entitled Site Evaluation Standard of Practice for Onsite Septic Treatment Systems.

THE PROCESS

Two processes are involved in this initiative: the process of developing the policy, standards, and tools, and the ongoing management process that is established and supported by the standards and tools. The steps required to define and implement this process took place over about two years. The issue came to a head when requests for groundwater monitoring at an existing residential subdivision resulted in consultation with various engineering and health experts who pointed out that after the fact monitoring was far from an optimal approach, perhaps even pointless, to protecting the environment. The next steps in developing the practice were as follow:

1. Other jurisdictions were consulted including municipalities and provincial agencies in other areas of Western Canada where this issue came to the forefront years ago and policy evolution is far ahead of Saskatchewan. The Alberta experience and practices were very informative and were specifically recognized by the Saskatoon District Health Region in the development of its policies.
2. The Saskatoon District Health Region was involved in order to clarify its role and capacity and to identify possible limitations of current legislation and practice. These discussions quickly identified the need for rural municipalities to take a more active role in the regulation of wastewater treatment in high development areas, providing a link between installation of systems and enforcement in the event of failure.
3. A number of stakeholder meetings were hosted involving consultants, contractors and installation companies, and environmental and public health experts to identify the options available for improving the performance and management of rural wastewater treatment systems.
4. A basic approach and content for policy and development standards was drafted by the Corman Park planning department based on initial input. The concept was introduced to the participants at subsequent meetings to identify potential advantages and limitations. The major concern was difficulties with clearly defining a corporate structure suited to the administration of a utility with responsibility for, among other things, an inspection process potentially involving many independent property owners rather than having

the municipality as the administrative service provider. Discussions with industry representatives suggested that, as with most new requirements, more development approvals using the proposed approach would generate sufficient demand to make servicing costs by the private sector increasingly viable as a business opportunity.

5. The next step involved a look at what other jurisdictions were doing. The findings resulted in the preparation and adoption of two policy and bylaw support documents. The Saskatoon District Health Region prepared and adopted the Saskatchewan Onsite Wastewater Disposal Guide, and Corman Park developed a standard site evaluation guide entitled Site Evaluation Standard of Practice for Onsite Septic Treatment Systems.

6. The draft policy established the developer's obligation to create a utility corporation, perhaps a cooperative, as a condition of approval for any multi-parcel residential development in Corman Park and to clearly identify the purpose and objectives of the utility corporation. The policies included in the Official Community Plan were as follows:

- a. All multi-parcel country residential developments shall be required to provide evidence that a private wastewater treatment system has been approved as per regulations prescribed by the Saskatoon District Health Region, and comply with standards set out within the General Regulations of the Zoning Bylaw.
- b. All multi-parcel country residential subdivisions shall be required as a condition of approval to create and administrate a private onsite septic utility to monitor the ongoing operation and maintenance of onsite wastewater systems, providing Corman Park with regular reports from qualified personnel at intervals determined by Council on a case by case basis.
- c. The use of innovative sewage treatment technologies as well as water reduction strategies shall be encouraged.

7. Further, in consultation with our solicitor, supporting tools including standard development agreements were prepared. The initial challenge was to clearly define roles and responsibilities, including those of the developer, and the terms under which the developer's obligation is released.

8. The following development standards were then included in the General Regulations contained within the Zoning Bylaw to provide direction to the developer in setting up this administrative body:

- a. The Development Officer, in conjunction with appropriate provincial regulatory agencies, shall determine the suitability of a site proposed for subdivision to accommodate a private wastewater treatment system within the subdivision review process.
- b. A development permit shall not be issued for a residential development until all appropriate permits have been obtained from appropriate provincial regulatory agencies and all Municipal standards have been met for the private wastewater treatment system.
- c. Upon receipt of an application for multi-parcel country residential subdivision, the application will be evaluated based upon the *Saskatchewan Onsite Wastewater Disposal Guide (the Guide)* as provided by the Saskatoon District Health Region.
- d. All submissions required by the Guide are the responsibility of the developer. The final review of a multi-parcel country residential subdivision will not be completed prior to the receipt and evaluation of all required information by the Development Officer, Saskatoon District Health Region and any other relevant agency deemed necessary by the Municipality.

- e. As a condition of approval for all multi-parcel country residential developments relying on private onsite wastewater treatment systems, the developer is required to create a septic utility in a legal form acceptable to the Municipality to regulate and oversee the general operation and ongoing maintenance of private onsite wastewater disposal systems within the development to ensure that systems continue to function effectively.
- f. The utility may assess a local user fee collected on behalf of the local residents to fund the regular inspection of individual wastewater disposal systems by a contracted, licensed professional, providing the Municipality with regular inspection reports.
- g. The frequency of the inspection reports shall be determined on a case by case basis by Council in consultation with appropriate provincial regulatory agencies other qualified professionals as required, based upon:
 - i. local soil conditions including its carrying capacity;
 - ii. density of development within and surrounding the development;
 - iii. proximity to existing multi-parcel country residential developments; and
 - iv. the type of potable water supply located on adjacent properties.
- h. Where an inspection report indicates that an individual onsite wastewater treatment system is not functioning properly, the property owner is responsible for undertaking all necessary improvements or repairs in a timely manner at his or her own expense.
 - i. Property owners within multi-parcel country residential subdivisions shall be required to enter into a servicing agreement identifying requirements for onsite wastewater treatment systems including undertaking a pre-site investigation as provided within the *Site Evaluation Standard of Practice for Onsite Septic Treatment Systems* prior to the issuance of a development permit.

Mr. Greg Plett, President of TankSmart Inc., who had been involved for some time with the Saskatoon District Health Region and within the industry, reviewed the draft policies and standards and the support tools to determine the practicality of the approach from the installer's perspective. This review led to the following implementation process:

1. The Developer executes a development and servicing agreement pursuant to *The Planning and Development Act, 2007*.
2. This agreement identifies the types and standards for services that are required to be constructed as part of the development.
3. This agreement also identifies the developer's obligations for creating a corporate or cooperative administrative body for water and wastewater treatment systems.
4. Once all of the services have been constructed to a municipally approved standard and the organization of the water and wastewater utilities have been formalized and operational – meaning sufficient membership exists to operate and manage the utility in the absence of the developer, they are relieved of their obligations associated with this agreement. Until this point, the developer remains obliged to operate both utilities as they are ultimately tied to the development until all lots are sold anyways – at which time it is assumed that sufficient population exists to support the utility.
5. The Municipality executes a separate restrictive covenant and development agreement with each property owner.
6. Both agreements are executed prior to construction on the property and identify their responsibility to participate in the established water and wastewater utilities and identify their role in the process including their obligation to contribute financially to the costs of administration of the utility.

7. The homeowner remains responsible for making the necessary repairs to their wastewater treatment system in the event a problem arises; the role of the utility is to provide regular and standardized inspections of the system in order to ensure they are being operated in conformance with their intended design and application. The agreements remain registered on the property title in perpetuity as a notice to future landowners of their obligations.

THE RESULTS

Although this practice is in its infancy, and the results of the inspections are limited based upon the limited residential development that has occurred since its adoption, several results have been achieved by this initiative. An appropriate legal framework has been developed to clearly define responsibilities and relationships. The policy initiative and implementation has been met with widespread support from the provincial regulatory authorities, contractors and installers, developers and end users. These results are the result of intensive inter-agency cooperation and partnership with the private sector which is an important accomplishment in itself. The development of this policy and its implementation has the following benefits:

1. The septic utility is structured to provide a perpetual communication link between the homeowner using private onsite wastewater treatment systems and provincial regulatory agencies that does not currently exist outside of the initial installation of these systems and enforcement proceedings upon failure of these systems.
2. It ensures that these systems are properly operated and maintained and that the wastewater discharged into natural systems after treatment does not present a long term public health risk.
3. The regular inspections provided by certified personnel, provides educational opportunities for current and future homeowners.
4. System failures are caught early in the process to minimize the risk to natural systems and in most cases, regular inspection may forecast a potential failure, allowing appropriate remediation of the system to eliminate the potential failure before it occurs.

The paramount challenge facing any municipality wishing to implement such a policy is the need for political support for the initiative. The Council needs to recognize its permanent relationship to developments and its responsibility for the long term effects of development on the environment and the public at large. Equally important is the need for appropriate education of the public on the potential effects of continued non-regulation of these systems which will result in greater public support for the initiative. This policy framework and management system has been adopted by the R.M.s of Rosthern and Laird with potential adoption in the R.M. of Perdue in the near future. In all three cases, the respective Council's embraced the principle of responsible development which respects the environment and contributes to sustainability. This initiative has been successfully implemented both in terms of its function at the inspection level by private contractors, but also has been met by support by the development community and residents to this point.

LESSONS LEARNED

The RM of Corman Park No. 344 has learned to engage local experts when working on a project of this magnitude. In this case, the Saskatoon Health District provided valuable input and expertise which contributed towards the overall success of the program.